

Abstract

The aim of this thesis is to try to provide an analysis of the legislation of easements contained in the Civil Code, to take into account the case law related to the General Civil Code as well as the recent court decisions and express controversy over some aspects that the new legislation offers.

The thesis is divided into four chapters, the first chapter is devoted to a brief definition of easements and the kinds of easements.

The second chapter analyzes the historical development of the easements. In the first part of the chapter the Roman law, which was the first to regulate the easements, is discussed. Furthermore, the chapter deals with the development of the easements during the Middle Ages, when the easements were joined by the institute of real burdens. The third part of the chapter discusses the legislation of easements in the General Civil Code, which is an inspiration for the current legislation; the relevant case law is not omitted. Finally, the chapter contains a section dealing with the legislation of easements in the so called Middle Civil Code from 1950 and the legislation in the Civil Code from 1964.

The third chapter, which forms the main part of the thesis, is devoted to a detailed analysis of the current legislation of easements contained in the Civil Code. The chapter is divided into sections that focus on individual institutes the legislation contains. First and foremost, the concept of the easements is clarified. Furthermore, the creation of easements, the kinds of easements, the legal relations from easements and termination of easements, are discussed. The relevant case law is taken into account. The author tries to argue with some aspect of the legislation and presents his opinion on the legislation.

The last chapter briefly analyzes the legislation of easements in the United States of America, whereas the historical development of easements is taken into account, because, unlike in the continental law, the easements in the Anglo-Saxon system of law do not originate from the Roman law.